

Notice of Allowability

Application No.

09/840,727

Applicant(s)

BALLANTYNE ET AL.

Examiner

Mary J. Steelman

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/19/2006.
2. ☒ The allowed claim(s) is/are 1-23, 25 (to be renumbered in order).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 04/19/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This Office Action is in response to Amendments, Remarks and IDS received 19 April 2006. Claims 1-23 and 25 are pending. Per Applicant's request, claim 1 has been amended.

Allowable Subject Matter

2. Claims 1-23 and 25 are allowed (to be renumbered in order).
3. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1, as Applicant has noted on page 12, 3rd paragraph of Remarks (received 19 April 2006), Walsh and other cited prior arts taken alone or in combination, fail to teach or render obvious the limitations of the claim including:

"based at least on the mapping of the model of the legacy computer system to the Extensible Markup Language schema, automatically modifying the one or more applications of the legacy computer system that output data, the one or more modified applications operable to output data written using a Document Object Model from the legacy computer system in Extensible Markup Language."

when taken in the context of the claims as a whole. Moreover, evidence for modifying the prior art teachings, by one of ordinary skill level in the art, was not uncovered so as to result in the invention as recited in the claims.

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Similar wording is found in all remaining independent claims, claims 4, 7, 13, 20, 23, and 25.

Thus, all remaining dependent claims, claims 2, 3, 5, 6, 8-12, 14-19, 21, and 22 are allowed.

As noted in the Specification at [0105], the automatic generation of data structures from XML schema and context sensitive creation of DOM instances enhance the simplicity of using XML with both new applications and applications converted from legacy systems. In essence, the DOM instance acts as a buffer that stores data emitted from the underlying program until a desired output (format style) is prepared without substantial revision to the structure of the underlying program. It should be noted that the instant application is related to USPN 6,687,873B1, but the instant application additionally claims the invention of a DOM to output XML is a desired format. (See instant Specification [0097] & FIG. 9.) Application has been evaluated for double patenting, but dismissed as the DOM feature is not considered to be an obvious modification of USPN 6,687,873B1. Examiner, thus, believes the claims to be patentably distinct.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The

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examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman



06/20/2006